

VOSH PROGRAM DIRECTIVE: 12-804C

ISSUED: 15 July 2014

SUBJECT: Longshoring and Marine Terminals, Parts 1910, 1917 and 1918

Purpose

CHANGE I: This directive transmits to field personnel the revised Longshoring and Marine Terminals Standards. **CHANGE II** transmits technical amendments to correct the various types of errors in the final rules for the Longshoring and Marine Terminals regulations. **CHANGE III** transmits updated standards to establish safe limits and work practices for employees during the transport of Vertical Tandem Lifts (VTLs) between ship and shore, as well as VTL-related operations within marine terminals.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope

This directive applies VOSH-wide.

Reference

CHANGE I: 62 FR 40142 (July 25, 1997) and OSHA Memorandum 97-2 (August 1, 1997);
CHANGE II: 65 FR 40935 (30 June 2000);
CHANGE III: 73 FR 75245 (10 December 2008); and
CHANGE IV: 79 FR 22018 (21 April 2014)

Cancellation

VOSH Program Directive 12-804B (15 May 2009)

Effective Dates

CHANGE I: April 1, 1998
CHANGE II: October 1, 2000
CHANGE III: July 15, 2009
CHANGE IV: September 1, 2014

Action

The Directors and Managers shall assure that field personnel are familiar with the provisions of these revised standards.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support & IMIS Support Staffs

Cooperative Programs Director and Manager
VOSH Compliance & Cooperative Programs Staff
OSHA Region III & Norfolk Area Offices

Attachments: **CHANGE I:** None.

CHANGE II: None. To see 65 FR 40936 (June 30, 2000), please refer to:
http://www.osha.gov/FedReg_osea_pdf/FED20000630.pdf

CHANGE III: None. To see 73 FR 75245 (December 10, 2008), please refer to:
http://www.osha.gov/FedReg_osea_pdf/FED20081210.pdf

CHANGE IV: 79 FR 22018 (21 April 2014) or refer to:
http://www.osha.gov/FedReg_osea_pdf/FED20140421.pdf

I. Background.

CHANGE I: The Longshoring Standards (part 1918) were designed to deal with the unique hazards encountered in marine cargo handling. Where the standards in part 1918 did not provide coverage of hazards encountered in longshoring, they were supplemented by the applicable General Industry Standards.

In 1958, the United States Congress amended the Longshore and Harbor Workers' Compensation Act (LHWCA) (33 U.S.C. 901 *et seq.*) to provide a large segment of port-based employees with a safer work environment since there was a high number and serious nature of accidents occurring to port employees. In 1960, the Labor Standards Bureau (LSB) of the Department of Labor issued the first set of safety and health regulations for longshoring activities as 29 CFR part 9 (25 FR 1565). LSB amended these standards several times between 1960 and 1971. Since 1971 there have been no substantive changes to these provisions. OSHA adopted the Longshoring Standard, then codified as 29 CFR part 1504, and recodified the standard as 29 CFR part 1918.

On July 5, 1983, OSHA published its final rule for Marine Terminals (48 FR 30886) to address the shoreside segment of marine cargo handling operations. In drafting its revised provisions for longshoring (part 1918), OSHA incorporated similar language into the Marine Terminals Standard (part 1917).

Conditions in the longshoring industry have changed dramatically since 1971. The existing Longshoring Standard was designed largely for activities using methods and equipment that have since been overshadowed or replaced by more modern methods of cargo handling.

Changes in cargo technology have also altered the risks that employees face on the docks and aboard ships. As a result, cargo handling has become a more capital intensive and mechanized industry in the past 20 years, while employment in SIC code 4491 has declined by more than 60%. Mechanization has reduced injuries due to overexertion and lifting; however, new risks have arisen, such as falls from containers stacked as high as 60 feet or being struck by forklifts or tractor trailers moving containers.

In 1993, the last calendar year for which full tables of industrial illnesses and accidents are currently available, the marine cargo handling industry had one of the highest rates of lost workdays in the nation. Serious job-related injuries have continued to occur in the marine cargo handling industry at an unacceptably high rate.

On September 29, 1997, the Safety and Health Codes Board adopted these revised standards, with an effective date of April 1, 1998.

CHANGE II: On July 25, 1997, federal OSHA published its comprehensively revised Safety and Health Regulations for Longshoring in Part 1917 and for those parallel sections of the Marine Terminals Standard in Part 1918. These regulations were adopted by the Safety and Health Codes Board on September 29, 1997. Technical amendments were needed to correct various types of errors in the final rules for Longshoring and Marine Terminals.

On July 17, 2000, the Safety and Health Codes Board adopted technical amendments to the Longshoring and Marine Terminals final rules, with an effective date of October 1, 2000.

CHANGE III: The issue of vertical tandem lifting was first raised to federal OSHA in 1986 when Matson Terminals, Inc., requested permission to perform VTLs. At that time, federal OSHA regulations did not directly address or prohibit this practice. In November 1986, federal OSHA responded with a letter allowing VTLs with two empty containers or with automobiles.

In 1993, federal OSHA responded to a request from Sea-Land Service, Inc., by allowing VTLs with two empty containers under certain conditions. In 1994, federal OSHA addressed VTLs briefly in the preamble to the proposed revisions to the Marine Terminals and Longshoring Standards. The final rule was published in July 1997, reserving the VTL issue for future consideration. Also, in October 1997, federal OSHA reopened the VTL record and announced a public meeting on the safety, risk, and feasibility issues associated with VTLs which was held in 1998.

In 2003, federal OSHA published a proposed rule permitting VTLs of no more than two containers with a maximum load of 20 tons, however, in its final rule published on December 10, 2008, federal OSHA concluded that no more than two empty containers may be lifted in VTLs.

On April 16, 2009, the Safety and Health Codes Board adopted the final rule for Longshoring and Marine Terminals for Vertical Tandem Lifts, §§1917.71 and 1918.85, Public Sector Only, with an effective date of July 15, 2009.

CHANGE IV: On December 10, 2008, federal OSHA published a final rule adopting new requirements relating to Vertical Tandem Lifts (VTLs). The final standard permitted VTLs of no more than two empty containers provided that certain safeguards were followed. The final rule required, among other safeguards, inspections of each container, interbox connector, and corner casting immediately before use in a VTL. The final rule also prohibited lifting platform containers as part of a VTL unit.

The National Maritime Safety Association (NMSA), a trade association representing marine terminal operators, petitioned the U.S. Court of Appeals for the District of Columbia Circuit for review of the VTL standard, arguing, in part, that two of the Standard's requirements – the interbox connector inspection requirement in §1917.71(i)(9) and the ban on VTLs of platform containers in §1917.71(i)(10) – were not technologically feasible. The Court found that there was insufficient evidence supporting OSHA's determination of technological feasibility with respect to those two provisions. Accordingly, the Court vacated and remanded the inspection requirement at §1917.71(i)(9), as applied to ship-to-shore VTL, and the total ban on platform container VTL at §1917.71(i)(10).

Neither the proposed nor the final rule contemplated that platform containers would be covered under the requirements included in paragraph (i) of §1917.71.

On June 5, 2014, the Safety and Health Codes Board adopted federal OSHA's implementation of a court-ordered remand of certain portions of the standard for Terminals Handling Intermodal Containers or Roll-on Roll-Off Operations; Vertical Tandem Lifts (VTLs), §1917.71(i), Public Sector Only, with an effective date of September 1, 2014.

II. Summary.

CHANGE I: Federal OSHA revised its safety and health regulations for Longshoring and those parallel sections of its Marine Terminals standard. These rules address cargo handling and related activities conducted aboard vessels (the Longshoring standard) and landside operations at marine terminals (the Marine Terminals standard). The comprehensive revisions to the Longshoring standard essentially rewrite that standard for the first time since it was adopted in 1971 under § 6(a) of the Occupational Safety and

Health (OSH) Act, while the amendments made to the Marine Terminals standard will provide consistency with the language of the new Longshoring standard. The changes that OSHA made to both standards are part of OSHA's continuing efforts to reinvent its workplace regulations to keep them current with evolving work practices and to reduce inconsistencies in regulatory requirements.

These final rules contain requirements for the testing and certification of specific types of cargo lifting appliances and associated auxiliary gear and other cargo handling equipment such as conveyors and industrial trucks; access to vessels; entry into hazardous atmospheres; working surfaces; and use of personal protective equipment. Additionally, OSHA addressed specialized longshoring operations such as containerized cargo, logging, and roll-on/roll-off (Ro-Ro) operations.

The principal hazards these final rules address are injuries and fatalities associated with cargo lifting gear, transfer of vehicular cargo, manual cargo handling, and exposure to hazardous atmospheres. The final rules reduce the continuing significant risk of falls and other hazards posed to marine cargo handling workers employed in these industries. Also addressed are hazards posed by more modern and sophisticated cargo handling methods, such as intermodalism.

CHANGE II: These technical amendments correct various typographical and other errors in the revised final rules for Marine Terminals, Part 1917, and for Longshoring, Part 1918.

The types of amendments affected fall into nine basic categories: (1) Categories of errors where text was inadvertently omitted or incorrectly spelled includes ten of the amendments; (2) corrections of incorrect citations or cross-references, includes eleven amendments; (3) corrections to provide parallel language between the two Parts (Part 1917 and Part 1918, Marine Terminals and Longshoring Operations, respectively) where the regulatory intent is identical, includes six amendments; (4) corrections to eliminate a duplicative requirement includes two amendments; (5) corrections to revise mandatory language where the language was only intended to be illustrative; (6) clarifications of regulatory text to better reflect the regulatory intent, includes five amendments; (7) technical drafting corrections, includes four amendments; (8) corrections of errors made when converting from English units to metric units; and (9) editorial corrections to Safe Working Load Tables and Charts.

CHANGE III: Federal OSHA revised the Marine Terminals Standard and related sections of the Longshoring Standard by issuing new provisions in the Marine Terminals Standard (29 CFR 1917) to regulate the use of Vertical Tandem Lifts ("VTLs"). The Longshoring Standard (29 CFR 1918) incorporates those requirements by reference. The new requirements are related to the practice of a container crane lifting two intermodal containers together, one on top of the other, connected by semiautomatic twistlocks (SATLs). This practice is known as a vertical tandem lift. SATLs were designed to connect and secure intermodal containers that are stowed on the deck of a vessel.

The final standard permits VTLs of no more than two empty containers provided certain safeguards are followed. It also includes additional provisions limiting the type of crane that may be used in VTLs, requiring a prelift, prohibiting handling containers below deck as a VTL, limiting VTL operations in windy conditions, and prohibiting VTLs of platform containers. The final rule also contains new requirements for employee training and the safe ground transport of vertically coupled containers. Lastly, the final rule contains specifications on the strength of interbox connectors used in VTLs.

CHANGE IV: In 2009, federal OSHA issued new provisions in the Marine Terminals Standard (Part 1917) to regulate the use of Vertical Tandem Lifts ("VTLs"). Those new requirements were related to the practice of a container crane lifting two empty intermodal containers together, one on top of the other, connected by semiautomatic twistlocks (SATLs) (See photo 1). This practice is known as a vertical tandem lift. The 2009

final rule permitted VTLs of no more than two such empty containers provided certain safeguards were followed.

Currently, federal OSHA has implemented a court-ordered remand of §1917.71(i)(9), as applied to ship-to-shore Vertical Tandem Lifts (VTLs). Federal OSHA believes that the only reasonable way to implement the decision of the U.S. Court of Appeals for the District of Columbia Circuit, which vacated the provision banning VTLs of platform containers, is to: 1) exempt VTLs of platform containers from the scope of §1917.71(i), in addition to removing existing §1917.71(i)(10), which prohibited the lifting of platform containers as part of a VTL; and 2) add a new paragraph in §1917.71(i)(9) to make the inspection requirements in §1917.71(i)(9) inapplicable to ship-to-shore VTLs. The final rule codifies the Court's action.

LONGSHORING AND MARINE TERMINALS, PARTS 1910, 1917 AND 1918

As adopted by the
Safety and Health Codes Board

Date: September 29, 1997



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: April 1, 1998

Longshoring and Marine Terminals, Parts 1910, 1917 and 1918

When the regulations, as set forth in the revised final rules for Longshoring and Marine Terminals, Parts 1910, 1917 and 1918, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

OSHA

VOSH

Federal Agency

State Agency

Assistant Secretary

Commissioner of Labor and Industry

Regional Administrator

Assistant Commissioner

Area Director

Regional Director
VOSH Program Director

Area Office/Regional Office

Regional Office

Office of Statistics

VOSH Research and Analysis

29 CFR

VOSH Standard

Compliance Safety and Health Officer (CSHO)

CSHO

Agency

Department

January 21, 1998

April 1, 1998

**Federal-Identical Marine Terminals (Public Sector Only), 16 VAC 25-120-1917, and
Federal-Identical Longshoring, 16 VAC 25-130-1918;
Technical Amendments**

As Adopted by the

Safety and Health Codes Board

Date: July 17, 2000



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: October 1, 2000

**Federal-Identical Marine Terminals Standard, Public Sector Only, 16 VAC 25-120-1917
Federal-Identical Longshoring, 16 VAC 25-130-1918**

When the regulations, as set forth in the technical amendments to the standards for Marine Terminals, 16 VAC 25-120-1917, and for Longshoring, 16 VAC 25-130-1918, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

OSHA

VOSH

Federal Agency

State Agency

Assistant Secretary

Commissioner of Labor and Industry

Regional Administrator

Assistant Commissioner

Area Director

Regional Director
VOSH Program Director

Area Office/Regional Office

Regional Office

Regional Solicitor

Attorney General or VOSH
Division of Legal Support (DLS)

Office of Statistics

VOSH Research and Analysis

29 CFR

VOSH Standard

Compliance Safety and Health Officer (CSHO)

CSHO

Agency

Department

June 30, 2000

October 1, 2000

**Longshoring and Marine Terminals; Vertical Tandem Lifts,
§§1917.7 and 1918.85; Public Sector Only;
Final Rule**

As Adopted by the
Safety and Health Codes Board

Date: April 16, 2009



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: July 15, 2009

16 VAC 25-120-1917.71, Terminals handling intermodal containers or roll-on roll-off operations; Marine Terminals Standard, Public Sector Only, §1917.71

16 VAC 25-130-1918.85, Containerized cargo operations, Longshoring, Public Sector Only, §1918.85

When the regulations, as set forth in the final rule for Longshoring and Marine Terminals; Vertical Tandem Lifts, §§1917.71 and 1918.85; Public Sector Only, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

OSHA

VOSH

Federal Agency

State Agency

Assistant Secretary

Commissioner of Labor and Industry

Regional Administrator

Assistant Commissioner

Area Director

Regional Director
VOSH Program Director

Area Office/Regional Office

Regional Office

Regional Solicitor

Attorney General or VOSH
Division of Legal Support (DLS)

Office of Statistics

VOSH Research and Analysis

29 CFR

VOSH Standard

Compliance Safety and Health Officer (CSHO)

CSHO

Agency

Department

April 9, 2009

July 15, 2009

**16VAC25-120-1917.71(i), Terminals Handling Intermodal Containers or Roll-on Roll-Off Operations;
Vertical Tandem Lifts, Public Sector Only, § 1917.71 (i); Final Rule; Remand**

As Adopted by the
Safety and Health Codes Board

Date: June 5, 2014



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: September 1, 2014

**16VAC25-120-1917.71(i), Terminals Handling Intermodal Containers or Roll-on Roll-Off Operations; Vertical
Tandem Lifts, Public Sector Only, §1917.71(i)**

When the regulations, as set forth in the Final Rule and Remand for Terminals Handling Intermodal Containers or Roll-on Roll-Off Operations; Vertical Tandem Lifts, Public Sector Only, §1917.71(i), are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

OSHA

VOSH

Federal Agency

State Agency

Assistant Secretary

Commissioner of Labor and Industry

Regional Administrator

Assistant Commissioner

Area Director

Regional Director
VOSH Program Director

Area Office/Regional Office

Regional Office

Regional Solicitor

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Division of Legal Support (DLS)

Office of Statistics

VOSH Research and Analysis

29 CFR

VOSH Standard

Compliance Safety and Health Officer (CSHO)

CSHO

Agency

Department

July 21, 2014

September 1, 2014